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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,761	10/29/2001	George Bradley Hobbs	10006500-1	4299

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Intellectual Property Administration
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EXAMINER

NGUYEN, TAN D

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/002,761	Applicant(s) HOBBS, GEORGE BRADLEY	
	Examiner Tan Dean D. Nguyen	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-12 and 14-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-12 and 14-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/29/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/22/05 has been entered.

Claim Status

Claims 8-10, 11-12, 14-16, 17-18 are active.

Claim Objections

2. Dependent claim 10, 16 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Dep. claim 10 is the same as dep. claim 9. Dep. claim 16 is the same as dep. claim 15.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. **Claims 11-12, 17-18, 8-9, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over SEVCIK et al (US 6,330,542).**

As for independent Method¹ claim 11, SEVCIK et al discloses a computer-implemented method of managing print job costs comprising the steps of:

a) provide an electronic print job request, the request having a set of attributes {see Figs. 4-8, 13} and displaying set of attributes {Fig. 4};

b) calculating a preliminary (or 1st) cost of the print job with a computer using the set of attributes {Fig. 4, 5 (50)}; wherein calculating the cost of the electronic print job includes calculating an actual consumables cost based on a set of consumable factors {see Fig. 7, the actual consumable factors are: (1) job type: postcards, (2) volume: 2500, (3) size: 6x9, etc.};

c) presenting a menu of alternative job attributes and alternative business rules to a user {see Figs. 5, 6, 7, especially col. 13, lines 28-40 "*the buyer has the option of entering the maximum price the buyer would like to pay for the project*" "*represented by the change option*"}, lines 42-44 "*increasing the turnaround time*", and Fig. 9 (90) "*Best turnaround time*"}

d) receiving a user's selection of a particular one of the alternative business rules {see col. 13, lines 2940};

e) automatically adjusting the set of attributes in response to the user's selection of the particular one of the alternative business rule {see col. 13, lines 29-34 "*by having the system change certain specifications*"; and

f) calculating a final (2nd) cost based on the adjusted set of attributes {see col. 13, lines 29-34 "*generate a new quote*", Figs. 5, 6, 7 (50)}.

Note that SEVCIK et al discloses a menu for job options on Fig. 5 (44), Fig. 6 (46). SEVCIK et al mentions on col. 13, lines 28-35, an option space/blank for the buyer to "ENTER" alternative business rule such as "*Maximum Price*" or lines 53-54 "*budgeted amount*". Apparently, an entry, blank space, or box is inherently included in the menu for entering the option data. Therefore, SEVCIK et al fairly teaches the claimed invention except for showing/presenting the two business rules options above, "maximum price" and "best turnaround time", in a menu to a user. However, since SEVCIK et al fairly teaches the presenting of a menu of print job option to a user, as shown in Figs. 5-7, it would have been obvious to present a menu of alternative business rules, "maximum price" and "best turnaround time", in a menu to a user for convenient, effective, simple, or efficient display and selection if desired.

As for dep. claim 12 (part of 11), which deals with well known data displaying parameters, i.e. displaying the final cost, this is taught in Fig. 5 (50) or Fig. 7 (50), right hand column "Confirming Job".

As for independent product¹ claim 17, which deals with the program storage device readable by a processor to carry out the method of claim 11 above, it's rejected over the program storage device readable by a processor of SEVCIK et al to carry out the rejection as shown in claim 11 above.

As for dep. claim 18 (part of 17), which has the same limitation as in dep. claim 12 above, it's rejected for the same reason set forth in dep. claim 12 above.

As for independent method² claim 8, which has the same limitations of claims 11 and 12, it's rejected for the same reason set forth in claims 11-12 above.

As for dep. claim 9 (part of 8), which deals with well known job change options parameter, i.e. receiving another selection of an override of one or more attributes of the modified set of attributes, this is fairly taught in SEVCIK et al Figs. 5-7 (50), col. 13, lines 30-55.

As for independent product¹ claim 14, which deals with the program storage device readable by a processor to carry out the method of claim 8 above, it's rejected over the program storage device readable by a processor of SEVCIK et al to carry out the rejection as shown in claim 8 above.

As for dep. claim 15 (part of 14), which has the same limitation as in dep. claim 12 above, it's rejected for the same reason set forth in dep. claim 9 above.

6. Claims 11-12, 17-18, 8-9, 14-15 are rejected (2nd time) under 35 U.S.C. 103(a) as being unpatentable over SEVCIK et al in view of VANCE et al (US patent 6,442,526).

As for independent Method¹ claim 11, the teachings of SEVCIK et al is cited above. In a computer-implemented method for managing an Internet quoting of item service cost, VANCE et al fairly teaches the presenting a menu of alternative business rules to a user, automatically adjusting the set of attributes in response to the user's selection of a particular one of the alternative business rules, and calculating a final cost based on the adjusted set of attributes {see col. 12, lines 5-20, Fig. 14 O, "Search for cheaper flights" button}. It would have been to obvious to modify the teaching of SEVCIK et al to include a menu of alternative business rules to a user as taught by VANCE et al for customer who is a bargainFinderPlus {see col. 12, lines 5-20}.

As for claims 12, 17-18, 8-9, 14-15, they are rejected for the same reasons set forth above but in view of VANCE et al for the teaching of presenting a menu of alternative business rules to a user.

No claims are allowed.

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7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct@uspto.gov>. Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail CustomerService3600@uspto.gov.

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor John Weiss may be reached at (571) 272-6812. The FAX phone numbers for formal communications concerning this application are (703) 872-9306. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

dtm
June 20, 2005


DEAN T. NGUYEN
PRIMARY EXAMINER